

IN THE UNITED STATES DISTRICT COURT
OR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent, No. CR S-03-0215 WBS KJM P

VS.

DAVID R. KING,

Movant. ORDER

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside, or correct his sentence based on 28 U.S.C. § 2255. The court requires all § 2255 motions to be filed on the proper form, which is provided by this court. Moreover, the court may limit its review of the motion for relief to the information on the form only and need not consider any memoranda or attachments to the motion. See Rule 2, Rules Governing § 2255 Proceedings; Local Rule 81-190.

Movant is hereby notified that in order for this court to review his § 2255 motion, he must re-file it on the proper form. Furthermore, although movant may submit a separate memorandum to support his motion for relief, the court's form must contain all relevant claims, and must provide the court with all necessary information.¹

¹ Movant is also informed that his motion is so vague that it fails to state a claim upon which relief can be granted. In order to state a claim for relief in a § 2255 action, petitioner must

Movant's failure to comply with this order will result in a recommendation that this action be dismissed without prejudice.

In accordance with the above, IT IS HEREBY ORDERED that:

1. The motion to vacate, set aside, or correct sentence filed based on 28 U.S.C. § 2255 is dismissed with leave to amend within thirty days from the date of this order;

2. Any amended motion must be filed on the form employed by this court and must state all claims and prayers for relief on the form. It must bear the case number assigned to this action and must bear the title "Amended Motion"; and

3. The Clerk of the Court is directed to send petitioner the form for filing a § 2255 motion.

DATED: May 19, 2006.


UNITED STATES MAGISTRATE JUDGE

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present allegations that indicate he is in custody in violation of the Constitution or laws of the United States.